

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Majchrzak et al.
Title: FOOD CONTAINER
Appl. No.: 10/763,726
Filing Date: 01/23/2004
Examiner: Pelham, Joseph Moore
Art Unit: 3742

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
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Carolyn Simpson	
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(Signature)	

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document, except as noted below, is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to Pre-OG Notice from Office of Patent Legal Administration dated July 25, 2003, *Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.*

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The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicants respectfully request that the Examiner consider the enclosed Declaration (4 pages) by Mr. David Rolston in connection with the present application.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

FEE

A fee in connection with submission of an information disclosure statement under 37 CFR §1.97(c) in the amount of \$180.00 in accordance with 37 CFR §1.17(p) is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Respectfully submitted,

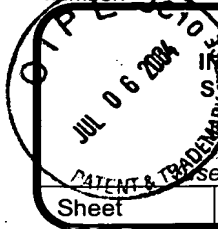
Date July 6, 2004

By Scott C. Nielson

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Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Date Submitted: July 6, 2004

Use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	10/763,726
Filing Date	01/23/2004
First Named Inventor	Michael Majchrzak
Group Art Unit	3742
Examiner Name	Pelham, Joseph Moore
Attorney Docket Number	032016-0128

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	6,670,585	B2	Burkett et al.	12/30/2003	
	A2	D480,260	S	Domí et al.	10/07/2003	
	A3	6,474,222	B1	Prete	11/05/2002	
	A4	6,454,176	B1	Burkett et al.	09/24/2002	
	A5	6,358,548	B1	Ewald et al.	03/19/2002	
	A6	6,098,527		Chang	08/08/2000	
	A7	6,069,344		Krasznai et al.	05/30/2000	
	A8	5,992,301		Mukumoto	11/30/1999	
	A9	5,947,012		Ewald et al.	09/07/1999	
	A10	5,771,789		Davis	06/30/1998	
	A11	5,715,745		Blanton, Jr. et al.	02/10/1998	
	A12	5,272,963		Del Fabbro	12/28/1993	
	A13	5,241,947		Sandolo	09/07/1993	
	A14	5,203,258		Tippmann et al.	04/20/1993	
	A15	5,039,535		Lang et al.	08/13/1991	
	A16	4,995,313		Delau et al.	02/26/1991	
	A17	4,772,268		Bates	09/20/1988	
	A18	4,655,192		Jovanovic	04/07/1987	
	A19	4,635,540		Dowds	01/13/1987	
	A20	4,623,780		Shelton	11/18/1986	
	A21	4,617,908		Miller et al.	10/21/1986	
	A22	4,377,109		Brown et al.	03/22/1983	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: July 6, 2004 <i>(use as many sheets as necessary)</i>		Complete if Known	
		Application Number	10/763,726
		Filing Date	01/23/2004
		First Named Inventor	Michael Majchrzak
		Group Art Unit	3742
		Examiner Name	Pelham, Joseph Moore
		Attorney Docket Number	032016-0128
Sheet	2	of	2

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A23	4,281,636		Vegh et al.	08/04/1981	
	A24	4,147,924		DeWitt, Jr.	04/03/1979	
	A25	4,089,322		Guibert	05/16/1978	
	A26	4,039,776		Roderick	08/02/1977	
	A27	4,013,869		Orts	03/22/1977	
	A28	3,780,794		Staub	12/25/1973	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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